COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: April 2, 2010

OFFICE CORRESPONDENCE FILE NO. FO2250856

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY ELIZARIO PEREZ III #[redacted]
DEPUTY SAMUEL ALDAMA #[redacted]
DEPUTY [redacted] #[redacted]
DEPUTY JAMES SHARP #[redacted]
DEPUTY [redacted] #[redacted]
MEN'S CENTRAL JAIL

On September 6, 2009, at 1115 hours, deputies used force which resulted in the inmate receiving a fractured orbital that required surgery.

Deputies working in the Men's Central Jail Rear Visiting area were processing inmates for visits. As a row of inmates completed their visiting time, they began filing out into the hallway and prepared to walk back to their housing locations.

Deputy Elizario Perez III saw an Inmate Ramon Valenzuela, step out of the row of inmates and sit down on one of the visiting seats. Inmate Valenzuela was apparently trying to receive extra visiting time. Deputy Elizario Perez and Deputy Samuel Aldama escorted Inmate Valenzuela out of the visiting area and onto the hallway. Deputy Aldama directed the inmate to face the wall, and he conducted a pat-down search of Inmate Valenzuela's person. During the search, Inmate Valenzuela quickly turned his body and tried to strike Deputy Aldama with his left arm. Inmate Valenzuela then began swinging his fists, striking Deputy Perez in the upper torso.

Deputies Aldama and Perez held Inmate Valenzuela and took him down to the floor. While on the floor, Inmate Valenzuela began swinging his fists, trying to strike the deputies. Inmate Valenzuela also grabbed Deputy Perez' holstered Oleoresin Capsicum spray, apparently trying to use it on the deputies.

Deputy Aldama struck Inmate Valenzuela several times on the face and upper torso, in an effort to subdue him. Inmate Valenzuela continued to struggle and to resist the deputies' efforts. As assisting deputies arrived, Deputy Perez sprayed Inmate Valenzuela with his Oleoresin Capsicum spray, but he continued to struggle.

Deputies [redacted] and Sharp arrived and used personal weapons to subdue Inmate Valenzuela. Deputy [redacted] deployed her TASER on the inmate two times. Deputy [redacted] used the TASER in the drive-stun mode on the inmate's back and right hamstring. The deputies eventually handcuffed Inmate Valenzuela without further incident.

Inmate Valenzuela was transported to the Los Angeles County-University of Southern California Medical Center, LCMC, where he was diagnosed with a fractured orbital. The injury required surgery, which Inmate Valenzuela received on September 11, 2009.

On March 25, 2010, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Elizario Perez III # [redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Samuel Aldama # [redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy [redacted] # [redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy James Sharp # [redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy [redacted] # [redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:YLW/ylw

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Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN:	009-01255-5100-145	Date:	09-06-09	Time:	1115
Location:	441 Bauchet Street, Los Angeles, Men's Central Jail				
City or Station:	Mens Central Jail				
Bureau/Station/Facility:	Custody	Admin. Investigation: YES ☐ NO ☒			

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Walton	Sharon		Sgt.	YES ☒ NO ☐	YES ☐ NO ☐
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Lee	Brian	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Shannon	Thomas	

Watch Commander's Signature: ______________________ Emp #: __________

Copy Provided to Employee by: ______________________ Emp #: __________

Supervisor Completing Form: SGT. CARLOS FLORES Emp #: [redacted]

(Print)

Unit Commanders Signature: ______________________ Emp #: __________ Date Signed: __________

PSTD Use Only

FO#

Original: Unit Commander
Copy: P.S.T.D.Headquarters, Employee

SH-R-438 Rev. 10/98

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Supervisor's Report on Use of Force

URN: 009-01255-5100-145

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE APPLIED ***(Only One Code Per Block)***

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	PH PK	AB	HD
S#1	E#2	PH PK	NN	NN
S#1	E#3	RS	NN	NN
S#1	E#4	RS	NN	NN
S#1	E#5	RS	NN	NN
E#1	S#1	TD,PH	FR	FA
E#2	S#1	TD,PH OC	FR	FA
E#3	S#1	PH	BR	BK
E#4	S#1	TR	NN	BK
E#5	S#1	PH	FR	FA

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Supervisor's Report on Use of Force
INVOL ED EMPLOYEE INFORM. TION

URN: 009-01255-5100-145

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	Aldama	Samual	

- Sex: ☒ Male ☐ Female
- Race: H
- Unit of Assignment: Mens Central Jail
- Work Assignment (Unit #, Module, etc.): Visiting
- Shift: ☐ EM ☒ Day ☐ PM
- ☒ Regular Shift ☐ OT Shift ☐ Off Duty
- Age: [redacted]
- Height: 509
- Weight: 179
- Medical Exam/Treatment ☒
- If Admitted, Name of Hospital:
- Coroner Case #:
- Directed Force ☐
- Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

- Sex: ☒ Male ☐ Female
- Race: H
- Unit of Assignment: Mens Central Jail
- Work Assignment (Unit #, Module, etc.): [redacted]
- Shift: ☐ EM [redacted] Day ☐ PM
- [redacted] Regular Shift ☐ OT Shift ☐ Off Duty
- Age: [redacted]
- Height: 507
- Weight: 190
- Medical Exam/Treatment ☐
- If Admitted, Name of Hospital:
- Coroner Case#:
- Directed Force ☐
- Significant Force ☒

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

- Sex: ☒ Male ☐ Female
- Race: H
- Unit of Assignment: Mens Central Jail
- Work Assignment (Unit #, Module, etc.): [redacted]
- Shift: ☐ EM [redacted] Day ☐ PM
- [redacted] Regular Shift ☐ OT Shift ☐ Off Duty
- Age: [redacted]
- Height: 506
- Weight: 140
- Medical Exam/Treatment ☐
- If Admitted, Name of Hospital:
- Coroner Case#:
- Directed Force ☐
- Significant Force ☒

E4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

- Sex: ☒ Male ☐ Female
- Race: H
- Unit of Assignment: Mens Central Jail
- Work Assignment (Unit #, Module, etc.): [redacted]
- Shift: ☐ EM [redacted] Day ☐ PM
- [redacted] Regular Shift ☐ OT Shift ☐ Off Duty
- Age: [redacted]
- Height: 506
- Weight: 126
- Medical Exam/Treatment ☐
- If Admitted, Name of Hospital:
- Coroner Case#:
- Directed Force ☐
- Significant Force ☒

E5

Employee #	Last Name	First Name	Middle Name
[redacted]	Sharp	James	

- Sex: ☒ Male ☐ Female
- Race: W
- Unit of Assignment: Mens Central Jail
- Work Assignment (Unit #, Module, etc.): Visiting
- Shift: ☐ EM ☒ Day ☐ PM
- ☒ Regular Shift ☐ OT Shift ☐ Off Duty
- Age: [redacted]
- Height: 602
- Weight: 220
- Medical Exam/Treatment ☐
- If Admitted, Name of Hospital:
- Coroner Case#:
- Directed Force ☐
- Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

- Sex: ☐ Male ☐ Female
- Race:
- Unit of Assignment:
- Work Assignment (Unit #, Module, etc.):
- Shift: ☐ EM ☐ Day ☐ PM
- ☐ Regular Shift ☐ OT Shift ☐ Off Duty
- Age:
- Height:
- Weight:
- Medical Exam/Treatment ☐
- If Admitted, Name of Hospital:
- Coroner Case#:
- Directed Force ☐
- Significant Force ☐

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Supervisor's Report on Use of Force
SUSPECT INFORMATION

URN: 009-01255-5100-145

Suspect Information

S1

Last Name	Valenzuela	First Name	Ramon	Middle Name	D.
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
☒ Male ☐ Female	H	[redacted]	[redacted]	[redacted]

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
[redacted]	[redacted]	25	508	04-11-84	160	☐

Booking #: 1901175 Primary Charge: 245(c)PC Secondary Charge: 148(a) Criminal History [redacted]

Hospital Admission? ☐ Rec'd Treatment At: Los Angeles County Medical Center Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☒ NO Substance: ______ Photos of Suspect's Injuries ☒ YES ☐ NO

Suspect Interview

Date:	Time:		
09-06-09	1130hours	Audiotape: ☐	Videotape: ☒

Suspect Information

S_

Last Name		First Name		Middle Name	
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☐ Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance: ______ Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date:	Time:		
		Audiotape: ☐	Videotape: ☐

Suspect Information

S_

Last Name		First Name		Middle Name	
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☐ Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance: ______ Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date:	Time:		
		Audiotape: ☐	Videotape: ☐

See Other Side

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

SIGNIFICANT FORCE INCIDENT EVALUATION

UNIT: Men's Central Jail
DATE: September 6, 2009, Sunday
TIME: 1115 hours
LOCATION: 441 Bauchet Street, Los Angeles, California 90012, Visiting Rear
URN#: 009-01255-5100-145
IAB#: FO2250856

NATURE OF INCIDENT:

On Sunday, September 6, 2009, at approximately 1115 hours, deputies working in the Men's Central Jail Rear Visiting area were processing inmates for visits. As a row of inmates completed their visiting time, they began filing out onto the hallway and prepared to walk back to their housing locations.

Deputy Elizario Perez saw an inmate, later identified as Ramon Valenzuela, step out of the row of inmates and sit down on one of the visiting seats. Inmate Valenzuela was apparently attempting to receive additional visiting time. Deputy Perez and Deputy Samuel Aldama confronted Inmate Valenzuela and escorted him out of the visiting area and onto the hallway.

Deputy Aldama directed the inmate to face the wall and he conducted a pat-down search of Inmate Valenzuela's person. During the search, Inmate Valenzuela quickly turned his body and attempted to strike Deputy Aldama with his left arm. Inmate Valenzuela then began swinging his fists, striking Deputy Perez in the upper torso.

Deputies Aldama and Perez took hold of Inmate Valenzuela and took him down to the floor. While on the floor, Inmate Valenzuela began swinging his fists, attempting to strike the deputies. Inmate Valenzuela also took hold of Deputy Perez' holstered Oleoresin Capsicum spray, apparently attempting to obtain it and use it on the deputies.

Deputy Aldama struck Inmate Valenzuela several times on the face and upper torso, in an attempt to subdue him. Inmate Valenzuela continued to struggle and resist the deputies' efforts. As assisting deputies arrived, Deputy Perez sprayed Inmate Valenzuela with his Oleoresin Capsicum spray, but he continued to struggle.

Additional deputies arrived ([redacted] and Sharp) and also utilized personal weapons in order to subdue Inmate Valenzuela. Deputy [redacted] deployed her TASER on the inmate two times. Deputy [redacted] utilized the TASER in the "drive stun" mode on the inmate's back and right hamstring. The deputies were eventually able to handcuff Inmate Valenzuela without further incident.

IAB Note: The TASER that was utilized by Deputy [redacted] was equipped with video recording capabilities. A compact disk containing the recording has been included in this case book. See **Exhibit H**. Due to the fact that the TASER was utilized in the "drive stun" mode, very little can be seen on the video. However, deputy personnel can be heard shouting commands to the inmate to stop fighting. The TASER data has also been included in this case book. The Data indicates two activations. See the highlighted sections of **Exhibit H**. The TASER was apparently not properly synched to the download program, thus it displays an improper activation time.

Inmate Valenzuela was taken to the Men's Central Jail Clinic were he was treated for his injuries. He was subsequently transported to the Los Angeles County - University of Southern California Medical Center (LCMC). While at LCMC it was determined by medical staff that Inmate Valenzuela had sustained a fractured left orbital. The injury required surgery, which Inmate Valenzuela received on Friday, September 11, 2009. Sergeant Sharon Walton #[redacted] assigned to the visiting area, conducted a search of witnesses to the incident, but did not find any.

Internal Affairs Bureau Lieutenant Rod Kusch was notified and Sergeant Carlos Flores responded to Men's Central Jail to conduct an administrative review of the incident. The following review is based on written documentation and interviews of witnesses, involved deputies, and medical staff.

INVOLVED PERSONNEL:

Aldama, Samuel - Deputy Sheriff, Employee #[redacted] MH/[redacted] 509/179
Men's Central Jail
Custody Operations Division

Date of Employment: 10-03-2007
Date Assigned to Unit: [redacted]
Prior Founded Force Incidents:

[redacted] - Deputy Sheriff, Employee #[redacted] MH/[redacted] 507/190
Men's Central Jail
Custody Operations Division

Date of Employment: [redacted]

Date Assigned to Unit:
Prior founded Force Incidents:

[redacted] - Deputy Sheriff, Employee #[redacted]FH/[redacted]506/126
Men's Central Jail
Custody Operations Division

Date of Employment: [redacted]
Date Assigned to Unit:
Prior Founded Force Incidents:

[redacted] - Deputy Sheriff, Employee #[redacted]MH/[redacted]506/140
Men's Central Jail
Custody Operations Division

Date of Employment: [redacted]
Date Assigned to Unit:
Prior Founded Force Incidents:

Sharp, James - Deputy Sheriff, Employee #[redacted]MW/[redacted]602/220
Men's Central Jail
Custody Operations Division

Date of Employment: 01-17-2007
Date Assigned to Unit: [redacted]
Prior Founded Force Incidents:

INVOLVED SUSPECT:

Valenzuela, Ramon

Sex:	Male
Race:	Hispanic
Date of Birth:	April 11, 1984
Height:	508
Weight:	160
Booking #	1901175
Charge:	69 PC, Resisting, Obstructing, Delaying a Peace Officer, 243(c) PC, Battery on Peace Officer
Injury:	Fractured Orbital, Abrasions, Contusions

The Consolidated Criminal History System reveals that Suspect Valenzuela [redacted]

[redacted] is a member of the "Primera Flats" street gang.

IAB Note: A copy of Suspect Valenzuela's criminal history is included in this report. See **Exhibit D**.

INVOLVED DEPUTY WITNESSES:

None

DEPARTMENT WITNESSES:

None

NON-DEPARTMENT WITNESSES:

None

INVOLVED EMPLOYEE STATEMENTS:

Deputy Samuel Aldama #[redacted] was interviewed on September 28, 2009, at 1415 hours, by Internal Affairs Bureau Sergeants Carlos Flores and Eric Strong. Deputy Aldama was represented by Attorney Debra Schild. The interview was digitally audio recorded.

Deputy Aldama said he authored an Incident Report documenting the event and his actions (**Exhibit A**). He said his report is a full, complete and accurate account of the incident.

Deputy Aldama said that he was providing backup for Deputy Perez, while Deputy Perez searched and questioned Inmate Valenzuela. He said that Inmate Valenzuela was initially cooperative. He said that Inmate Valenzuela suddenly turned and attempted to punch him, and then began punching towards Deputy Perez.

Deputy Aldama said he grabbed the inmate from the back of his shirt and pulled him down to the floor in order to control him. He said that while on the floor, the inmate began punching and kicking towards him and Deputy Perez. Deputy Aldama said he struck the inmate seven to eight times to his facial area, utilizing his fists. He said he also punched the inmate four to five times in the upper torso.

Deputy Aldama said he knew Deputy Perez had sprayed the inmate with his Oleoresin Capsicum because he could smell it. He said he also heard the TASER being utilized, but he did not actually see it being used. He said that the inmate stopped fighting shortly after the TASER was utilized, and was handcuffed.

Deputy Aldama said he did not see any other deputy punch Inmate Valenzuela. He said that Inmate Valenzuela could have sustained the facial fracture when he was taken down to the floor. He also reiterated that he had punched the suspect's face several times.

Refer to Deputy Aldama's verbatim interview transcript in this case book and his Incident Report for further details.

Deputy Elizario Perez #[redacted] was interviewed on September 28, 2009, at 1025 hours, by Internal Affairs Bureau Sergeants Carlos Flores and Eric Strong. Deputy Perez was represented by Attorney Debra Schild. The interview was digitally audio recorded.

Deputy Perez said he authored a Supplemental Report documenting the event and his actions (**Exhibit B**). He said his report is a full, complete and accurate account of the incident.

Deputy Perez said he contacted Inmate Valenzuela after he saw him attempting to obtain additional visiting time. He said that inmates are often caught by deputy personnel trying to obtain additional visiting time. Deputy Perez said Inmate Valenzuela was cooperative when he initially contacted him. He said he directed Inmate Valenzuela to face the wall so that he could safely search and question him.

Deputy Perez said the inmate suddenly turned and attacked him and Deputy Aldama. He said he grabbed the inmate's shoulders and took him down to the ground in an attempt to control him. Deputy Perez said that Inmate Valenzuela took hold of his holstered Oleoresin Capsicum (OC) Spray, but he (Deputy Perez) quickly pulled away, breaking his grip. He said he then sprayed the inmate with his OC Spray, but it was ineffective, as the inmate continued to struggle.

Deputy Perez said he saw Deputy [redacted] utilize the TASER on Inmate Valenzuela. He said he believed the TASER was activated one time, for approximately five seconds. He said the inmate was handcuffed shortly after the TASER deployment. Deputy Perez said he did not see any of the punches thrown by the deputies.

Deputy Perez said he does not know how the inmate sustained the facial fracture. He said it might have been when the inmate was taken down to the ground.

Refer to Deputy Perez' verbatim interview transcript in this case book and his Supplemental Report for further details.

Deputy [redacted] #[redacted] was interviewed on September 25, 2009, at 1055 hours, by Internal Affairs Bureau Sergeants Carlos Flores and Eric Strong. Deputy [redacted] was represented by Attorney Debra Schild. The interview was digitally audio recorded.

Deputy [redacted] said she authored a Supplemental Report documenting the event and her actions (**Exhibit B**). She said her report is a full, complete and accurate account of the incident.

Deputy [redacted] said that while working the "high power" section of the visiting area, she heard someone shouting, "Stop fighting." She said she responded and saw two deputies struggling with Inmate Valenzuela. She said Inmate Valenzuela was kicking his feet and swinging his elbows at the deputies. Deputy [redacted] said she immediately initiated an assistance request via her handheld radio.

Deputy [redacted] said she approached Inmate Valenzuela and deployed the TASER on his lower back, utilizing the "drive stun" mode. She said the inmate took hold of the TASER, causing her to pull it away from him. Deputy [redacted] said she again deployed the TASER on the inmate, utilizing the "drive stun" mode, on his right hamstring. She said that with the help of additional deputies, Inmate Valenzuela was handcuffed without further incident.

Deputy [redacted] said she does not know how the inmate sustained the facial fracture. She said she did not see when the deputies punched the inmate.

Refer to Deputy [redacted] verbatim interview transcript in this case book and her Supplemental Report for further details.

Deputy [redacted] **#**[redacted] was interviewed on September 28, 2009, at 1440 hours, by Internal Affairs Bureau Sergeants Carlos Flores and Eric Strong. Deputy [redacted] was represented by Attorney Debra Schild. The interview was digitally audio recorded.

Deputy [redacted] said he authored a Supplemental Report documenting the event and his actions (**Exhibit B**). He said his report is a full, complete and accurate account of the incident.

Deputy [redacted] said that he was working the "visiting rear" portion of the jail when he heard someone shouting, "Stop fighting." He said that he immediately responded and saw two deputies involved in a struggle with Inmate Valenzuela.

Deputy [redacted] said he saw Inmate Valenzuela swinging his fists and kicking his feet in an apparent attempt to assault deputy personnel. He said he attempted to take hold of Inmate Valenzuela's left arm, but was unsuccessful. He said he punched the inmate three times to his left rib area, which allowed him to take hold of his left hand.

Deputy [redacted] said he could smell Oleoresin Capsicum Spray, but did not actually see when it was used. He said the suspect continued to resist, even after the OC Spray had been deployed. Deputy [redacted] said he also heard that the TASER was being utilized, but he did not see it. Deputy [redacted] said he did not see when the other

deputies punched the inmate. Deputy [redacted] said that with the assistance of additional personnel, Inmate Valenzuela was handcuffed without further incident.

Deputy [redacted] said he did have OC Spray and a flashlight in his possession, but he did not believe he had the time to retrieve and use those items. Deputy [redacted] said he does not know how the inmate sustained the facial fracture.

Refer to Deputy [redacted] verbatim interview transcript in this case book and his Supplemental Report for further details.

Deputy James Sharp #[redacted] was interviewed on September 25, 2009, at 1115 hours, by Internal Affairs Bureau Sergeants Carlos Flores and Eric Strong. Deputy Sharp was represented by Attorney Debra Schild. The interview was digitally audio recorded.

Deputy Sharp said he authored a Supplemental Report documenting the event and his actions (**Exhibit B**). He said his report is a full, complete and accurate account of the incident.

Deputy Sharp stated that he went to the watch deputy's office to check his schedule. He said that while in the office, he heard on his radio that a disturbance was occurring it the "visiting rear" section of the jail. Deputy Sharp stated that he responded and observed deputies struggling with Inmate Valenzuela. He said Inmate Valenzuela was kicking his feet and swinging his elbows at deputy personnel.

Deputy Sharp said he heard commands being given to the inmate to stop fighting, but he was not complying. Deputy Sharp said that in order to stop the inmate's assault, he punched the inmate four to five times in the face with his right fist. He said Inmate Valenzuela continued to fight and resist the deputies. Deputy Sharp said that due to the inmate's continuous aggression, he punched the inmate an additional three to four times in the face. He said the inmate was then handcuffed with the assistance of additional deputies.

Deputy Sharp said he was not aware that Oleoresin Capsicum had been utilized. He said he was also unaware that Deputy [redacted] had deployed the TASER. Deputy Sharp said he did not see any of the other deputies strike the suspect with their fists. He said that he did not utilize his flashlight or Oleoresin Capsicum Spray because he felt he did not have time to retrieve those items.

Deputy Sharp said he is not sure how the inmate sustained the facial fracture, but he reiterated that he did punch the suspect several times in the face.

Refer to Deputy Sharp's verbatim interview transcript in this case book and his Supplemental Report for further details.

SUSPECT'S STATEMENTS:

Sergeant Sharon Walton #[redacted] assigned to the Men's Central Jail, attempted to interview Inmate Valenzuela in the Men's Central Jail clinic. Inmate Valenzuela was unresponsive and did not provide any statement.

> **IAB Note:** Sergeant Walton's attempted interview of Suspect Valenzuela was video recorded. A copy of the recording is included in this case book. See **Exhibit G.**

Detective Ed Capifali #[redacted] assigned to the Jail Investigations Unit, also attempted to interview Inmate Valenzuela on Wednesday, September 16, 2009, at 1500 hours. Inmate Valenzuela invoked his right to remain silent and to have an attorney. Due to Inmate Valenzuela invoking his right to remain silent and to have an attorney, Internal Affairs Bureau investigators made no attempt to interview him.

DEPARTMENT WITNESS STATEMENTS:

None

NON-DEPARTMENT WITNESS STATEMENTS:

None

SUSPECT'S INJURIES:

Suspect Valenzuela was initially treated in the Men's Central Jail Clinic and was subsequently transported to LCMC, located at 2051 Marengo Street in Los Angeles. During his treatment it was determined that Suspect Valenzuela sustained a fractured left orbital, which required surgery. Suspect Valenzuela also sustained a nasal fracture. He additionally sustained a laceration above his left eyelid. Suspect Valenzuela was scheduled for surgery on Friday, September 11, 2009.

> **IAB Note:** Suspect Valenzuela's injuries were video recorded during Sergeant Walton's attempted interview. See **Exhibit G.** Video stills were taken from the recording and are included in this case book. See **Exhibit F.** Suspect Valenzuela's "Inmate Medical Documentation" is also included in this case book. See **Exhibit F.**

INJURIES TO DEPUTY PERSONNEL:

None

PHYSICAL EVIDENCE:

No physical evidence was collected at the scene.

INVESTIGATORS OBSERVATIONS:

Due to the time lapse between the incident and medical diagnosis of a fracture, Internal Affairs Bureau Sergeant Carlos Flores responded to the scene several hours after the incident. The scene is a hallway consisting of a concrete floor and block walls.

IAB Note: Photographs of the scene are included in this report. See **Exhibit E.**

WEAPONS USED BY DEPUTY PERSONNEL:

Personal Weapons (Hands and Knees), TASER

WEAPONS USED BY SUSPECTS:

Personal Weapons (Hands and Feet)

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Jail Investigations Unit, Men's Central Jail - Detective Ed Capifali #[redacted]

Court: Clara Shortridge Foltz Criminal Justice Center

IAB Note: On September 30, 2009, The Los Angeles County District Attorney's Office filed one count of 69 PC, Resisting Executive Officer, a felony, Case Number BA362511.

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident occurred in a well-lit hallway at Men's Central Jail.